

**COMMON COUNCIL MEETING**

**JUNE 3, 2014**

**7:00 P.M.**

**ORDER OF BUSINESS**

- I. Call to Order**
- II. Salute to the Flag**
- III. Roll Call**
- IV. Adoption of Agenda**
- V. Proclamations**
- VI. Communications and Presentations**
- VII. Public Participation**
- VIII. Controller's Report**
- IX. Old Business: Res. #13/14-250 Resolution Regarding City-Wide Hiring Freeze  
Res. #13/14-263 Resolution Regarding HM Stop loss**
- X. New Business:**
  - (a) Resolutions**
  - (b) Ordinances**
  - (c) Local Laws:**
  - (d) Introduction of Ordinances:**
  - (e) Introduction of Local Laws**
  - (f) Committee Reports**
  - (g) Scheduling of Committee Meetings**
  - (h) Other:**
- XI. Executive Session (if required)**
- XII: Adjournment**

**6 pm Insurance Committee**

## RESOLUTIONS

### *Old Business*

250. *Resolution Regarding City-wide Hiring Freeze*

*Barone*

263 *Resolution Regarding HM Stop Loss Agreement*

*Mayor*

### **New Business**

267 RESOLUTION ADOPTING MINUTES

BEEKMAN

268 RESOLUTION APPROVING AUDIT

HATZENBUHLER

269 RESOLUTION APPROVING HUD GRANT APPLICATION

MAYOR

270 RESOLUTION AMENDING BUDGET – ENGINEERING

LEGGIERO

271 RESOLUTION AMENDING BUDGET – GOLF

BARONE

272 RESOLUTION AMENDING BUDGET – ENGINEERING

LEGGIERO

273 RESOLUTION AMENDING BUDGET – POLICE

RUSSO

274 RESOLUTION AUTHORIZING AIDA PUBLIC HEARINGS

MAYOR

275 RESOLUTION AUTHORIZING AGREEMENT WITH AIDA

MAYOR

276 RESOLUTION ESTABLISHING WORK DAY – RETIREMENT

MAYOR

277 RESOLUTION AMENDING BUDGET – WATER TREATMENT

LEGGIERO

**CITY OF AMSTERDAM, NY  
COMMON COUNCIL  
MAY 6, 2014**

**RESOLUTION 313/14-250**

**RESOLUTION REGARDING CITY-WIDE HIRING FREEZE**

**BY: ALDERMAN BARONE**

**WHEREAS**, the City of Amsterdam may have a significant budget shortfall,

**RESOLVED**, effective May 7, 2014 a hiring freeze is in effect for all departments in the City of Amsterdam.

**MOTION TO TABLE** by Alderman Barone passed with Aye. (5/6/14)

**MOTION TO REMOVE FROM TABLE** by Alderman Barone passed with Aye. (5/20/14)

**MOTION TO TABLE** by Alderman Barone passed with Aye. (5/2014)

COMMON COUNCIL  
City of Amsterdam, NY

	Aye	Nay
Alderman Russo		
Alderman Beekman		
Alderman Barone		
Alderman Hatzenbuehler		
Alderman Leggiero		

\_\_\_\_\_  
ANN M. THANE, MAYOR

Dated: \_\_\_\_\_, 2014

Note: Under Charter sections 35, 36 and 37 the mayor is the appointing authority for most positions. This resolution, if adopted, would not restrict the mayor's authority to appoint. Likewise it will not restrict the controller's power of appointment. It would restrict the Police Chief and Fire Chief from filling vacancies in their departments. G. DeCusatis

**CITY OF AMSTERDAM, NY  
COMMON COUNCIL  
MAY 20, 2014**

**RESOLUTION #13/14-263**

**RESOLUTION AUTHORIZING HM STOP LOSS AGREEMENT**

**BY: MAYOR THANE**

**RESOLVED**, the Mayor is authorized to sign the attached Stop Loss proposal with HM Life Insurance Company of New York renewal agreement in the amount of \$206,756.

**MOTION TO TABLE** by Alderman Barone passed with Aye. (5/20/14)

COMMON COUNCIL  
City of Amsterdam, NY

	Aye	Nay
Alderman Russo		
Alderwoman Beekman		
Alderman Barone		
Alderwoman Hatzenbuhler		
Alderman Leggiero		

\_\_\_\_\_  
ANN M. THANE, MAYOR

Dated: \_\_\_\_\_, 2014

**CITY OF AMSTERDAM, NY  
COMMON COUNCIL  
JUNE 3, 2014**

**RESOLUTION #13/14-267**

**RESOLUTION ADOPTING MINUTES OF THE LAST COMMON COUNCIL MEETINGS**

**BY: ALDER WOMAN BEEKMAN**

**RESOLVED**, that the minutes of the Common Council meeting of May 20, 2014 and the Special meeting of May 29, 2014 are hereby adopted.

COMMON COUNCIL  
City of Amsterdam, NY

	Aye	Nay
Alderman Russo		
Alderwoman Beekman		
Alderman Barone		
Alderwoman Hatzenbuhler		
Alderman Leggiero		

\_\_\_\_\_  
ANN M. THANE, MAYOR

Dated: \_\_\_\_\_, 2014

**CITY OF AMSTERDAM, NY  
COMMON COUNCIL  
JUNE 3, 2014**

**RESOLUTION #13/14-268**

**RESOLUTION APPROVING AUDIT**

**BY: ALDERWOMAN HATZENBUHLER**

**RESOLVED**, the bills examined by the Common Council and reported herewith as correct and they are, allowed and ordered paid and the City Clerk is authorized and empowered to issue warrants in payment of same.

COMMON COUNCIL  
City of Amsterdam, NY

	Aye	Nay
Alderman Russo		
Alderwoman Beekman		
Alderman Barone		
Alderwoman Hatzenbuhler		
Alderman Leggiero		

\_\_\_\_\_  
ANN M. THANE, MAYOR

Dated: \_\_\_\_\_, 2014

**CITY OF AMSTERDAM, NY  
COMMON COUNCIL  
JUNE 3, 2014**

**RESOLUTION #13/14-269**

**RESOLUTION APPROVING THE SUBMISSION OF A HUD COMMUNITY DEVELOPMENT BLOCK GRANT APPLICATION**

**BY: MAYOR THANE**

**WHEREAS**, the City of Amsterdam wishes to apply for Community Development Block Grant funding for the 2014 Fiscal Year under the Housing and Community Development Act of 1974, as amended; and,

**WHEREAS**, the City of Amsterdam, has determined that a serious need exists to separate storm and sanitary sewers at various locations throughout the City in order to comply with New York State Department of Environmental Conservation regulations and procedures, including a Consent Order;

**RESOLVED**, that the City of Amsterdam apply for \$600,000 in Fiscal Year 2014 Community Development Block Grant Funds to undertake sanitary and storm sewer separation activities and sanitary sewer improvements in the City; and

**FURTHER RESOLVED**, the Mayor is hereby authorized to sign any and all documents necessary for the submission of said application to the New York State Office of Community Renewal.

COMMON COUNCIL  
City of Amsterdam, NY

	Aye	Nay
Alderman Russo		
Alderman Beekman		
Alderman Barone		
Alderman Hatzenbuehler		
Alderman Leggiero		

\_\_\_\_\_  
ANN M. THANE, MAYOR

Dated: \_\_\_\_\_, 2014

**CITY OF AMSTERDAM, NY  
COMMON COUNCIL  
JUNE 3, 2014**

**RESOLUTION #13/14-270**

**RESOLUTION AMENDING BUDGET – ENGINEERING**

**BY: ALDERMAN LEGGIERO**

**RESOLVED**, the Controller is authorized to amend the 2013-2014 budget for receipt of reimbursement for a court case attended by the Engineer as follows:

**INCREASE REVENUE:**

A-2680 Insurance Recovery \$20.43

**INCREASE EXPENSE:**

A-5010-4000 Contractual \$20.43

COMMON COUNCIL  
City of Amsterdam, NY

	Aye	Nay
Alderman Russo		
Alderman Beekman		
Alderman Barone		
Alderman Hatzenbuehler		
Alderman Leggiero		

\_\_\_\_\_  
ANN M. THANE, MAYOR

Dated: \_\_\_\_\_, 2014

Note: The Common Council under the prior charter language had authority to establish rules to authorize routine transfers of this type. Historically, that authority was never exercised. In the revision of the budget process this authority was removed. The Council may wish to consider an amendment to the charter to enable this type of authorization to limit the number of small budget amendments. This can be accomplished by local law without a referendum if it is structured properly. G. DeCusatis



**CITY OF AMSTERDAM, NY  
COMMON COUNCIL  
JUNE 3, 2014**

**RESOLUTION #13/14-271**

**RESOLUTION AMENDING BUDGET – GOLF**

**BY: ALDERMAN BARONE**

**RESOLVED** the Controller is authorized to amend the 2013-2014 budget for shortfall in GolfPro's salary, as follows:

**INCREASE EXPENSE:**

CR-7180-4101	Golf Pro Contract	\$5,504.00
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COMMON COUNCIL  
City of Amsterdam, NY

	Aye	Nay
Alderman Russo		
Alderwoman Beekman		
Alderman Barone		
Alderwoman Hatzenbuhler		
Alderman Leggiero		

\_\_\_\_\_  
ANN M. THANE, MAYOR

Dated: \_\_\_\_\_, 2014

**CITY OF AMSTERDAM, NY  
COMMON COUNCIL  
JUNE 3, 2014**

**RESOLUTION #13/14-272**

**RESOLUTION AMENDING BUDGET – ENGINEERING**

**BY: ALDERMAN LEGGIERO**

**RESOLVED**, the Controller is authorized to amend the 2013-2014 budget to cover shortfall in diesel, as follows:

**DECREASE EXPENSE:**

A-5110-4049	Gas	\$5,250.00
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**INCREASE EXPENSE:**

A-5110-4139	Diesel	\$5,250.00
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COMMON COUNCIL  
City of Amsterdam, NY

	Aye	Nay
Alderman Russo		
Alderman Beekman		
Alderman Barone		
Alderman Hatzenbuehler		
Alderman Leggiero		

\_\_\_\_\_  
ANN M. THANE, MAYOR

Dated: \_\_\_\_\_, 2014

**CITY OF AMSTERDAM, NY  
COMMON COUNCIL  
JUNE 3, 2014**

**RESOLUTION #13/14-273**

**RESOLUTION AMENDING BUDGET – POLICE**

**BY: ALDERMAN RUSSO**

**WHEREAS**, seizure money has been received and the police department wishes to purchase a a 7 channel windows based polygraph unit,

**RESOLVED**, the Controller is authorized to amend the 2013-2014 budget for receipt of seizure money, as follows:

**INCREASE REVENUE**

CM-2626	Seizure monies	\$4,854.00
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**INCREASE EXPENSE:**

CM-3120-4000	Contractual	\$4,854.00
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COMMON COUNCIL  
City of Amsterdam, NY

	Aye	Nay
Alderman Russo		
Alderwoman Beekman		
Alderman Barone		
Alderwoman Hatzenbuhler		
Alderman Leggiero		

\_\_\_\_\_  
ANN M. THANE, MAYOR

Dated: \_\_\_\_\_, 2014

**CITY OF AMSTERDAM, NY  
COMMON COUNCIL  
JUNE 3, 2014**

**RESOLUTION #13/14-274**

**RESOLUTION AUTHORIZING PUBLIC HEARINGS – NYS OFFICE OF HOMES AND COMMUNITY RENEWAL**

**BY: MAYOR THANE**

**WHEREAS**, the City of Amsterdam is required to hold two public hearings before submitting applications to the New York State Office of Homes and Community Renewal, and

**WHEREAS**, the Amsterdam Industrial Development Agency is considering applying to the NYS Office of Homes and Community Renewal for several grant applications on behalf of the City of Amsterdam,

**RESOLVED**, the Amsterdam Industrial Development Agency is authorized to conduct public hearings on June 11, 2014 at 3:00 pm and June 12, 2014 at 3 pm in the offices of the Amsterdam Industrial Development Agency, 2<sup>nd</sup> floor, City Hall, 61 Church Street, Amsterdam, NY, purpose of which will be to explain the Citizen's Participation Plan as well as to discuss possible submission of applications for assistance with the expansion plans of Beckmann's Converting, NTI Global. Montgomery County SPCA, the redevelopment of the Mohasco site and redevelopment of 5 Sam Stratton Drive, and

**FURTHER RESOLVED**, the City of Amsterdam recognized that the Mohasco site and 5 Sam Stratton Drive have been vacant and blighted for some time, and

**FURTHER RESOLVED**, the Mayor and the Amsterdam Industrial Development Agency are authorized to submit such application to the NYS Office of Home and Community Renewal and the NYS Regional economic Development Council and to act in all matters relating to said grants.

COMMON COUNCIL  
City of Amsterdam, NY

	Aye	Nay
Alderman Russo		
Alderman Beekman		
Alderman Barone		
Alderman Hatzenbuehler		
Alderman Leggiero		

\_\_\_\_\_  
ANN M. THANE, MAYOR

Dated: \_\_\_\_\_, 2014

**CITY OF AMSTERDAM, NY  
COMMON COUNCIL  
JUNE 3, 2014**

**RESOLUTION #13/14-275**

**RESOLUTION AUTHORIZING MAYOR TO SIGN AGREEMENT WITH AIDA FOR  
SMALL CITIES ECONOMIC DEVELOPMENT GRANT**

**BY: MAYOR THANE**

**WHEREAS**, the City of Amsterdam has been awarded a Small Cities Grant for GIANT Solutions from the NYS Office of Homes and Community Renewal, and

**WHEREAS**, the Amsterdam Industrial Development Agency has in the past administered such grants on behalf of the City of Amsterdam for which it has applied,

**RESOLVED**, the Mayor is authorized to enter into a sub recipient agreement with the Amsterdam Industrial Development agency to administer said grant.

COMMON COUNCIL  
City of Amsterdam, NY

	Aye	Nay
Alderman Russo		
Alderman Beekman		
Alderman Barone		
Alderman Hatzenbuehler		
Alderman Leggiero		

\_\_\_\_\_  
ANN M. THANE, MAYOR

Dated: \_\_\_\_\_, 2014

**CITY OF AMSTERDAM, NY  
COMMON COUNCIL  
JUNE 3, 2014**

**RESOLUTION #13/14-276**

**RESOLUTION ESTABLISHING STANDARD WORK DAYS FOR ELECTED AND APPOINTED OFFICIALS**

**BY: MAYOR THANE**

**RESOLVED**, the City of Amsterdam hereby establishes the following as standard work days for elected and appointed officials and will report the following days worked to the New York State and Local Employees Retirement System based on the record of activities maintained and submitted by these officials to the Clerk of this body.

Title	Name	Standard Work Day (hrs/day)	Term Begins/Ends	Participates in Employer's Time Keeping System (Y/N)	Days/Month (based on record of Activities)
<b>ELECTED</b>					
Alderman	Edward Russo	2	1/1/2014-12/31/2015	N	7
Aldерwoman	Diane Hatzenbuhler	2	1/1/2014-12/31/2015	N	7
Mayor	Ann M Thane	6	1/1/2012-12/31/2015	N	20
Controller	Matthew Agresta	6	1/1/2014-12/31/2015	N	20
<b>APPOINTED</b>					
City Clerk	Susan Alibozek	7	1/1/2014-12/31/2015	Y	20
Corp. Counsel	Gerard DeCusatis	6	1/1/2012-12/31/2015	N	20
Recreation Dir.	Robert Spagnola	8	4/4/2005 -	Y	20
Deputy Controller	David M. Mitchell	8	2/28/2013 -	Y	20

COMMON COUNCIL  
City of Amsterdam, NY

	Aye	Nay
Alderman Russo		
Alderwoman Beekman		
Alderman Barone		
Alderwoman Hatzenbuhler		
Alderman Leggiero		

\_\_\_\_\_  
ANN M. THANE, MA YOR

Dated: \_\_\_\_\_, 2014

**CITY OF AMSTERDAM, NY  
COMMON COUNCIL  
JUNE 3, 2014**

**RESOLUTION #13/14-277**

**RESOLUTION AMENDING BUDGET – WATER TREATMENT PLANT**

**BY: ALDERMAN LEGGIERO**

**RESOLVED**, the Controller is authorized to amend the 2013-2014 budget as a result of a shortfall in the Water Treatment Plant telephone account, as follows:

**DECREASE EXPENSE:**

F-8320-4092	Repair of Out Building	\$500.00 (bal. \$6,672.89)
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**INCREASE EXPENSE:**

F-8320-4025	Telephone	\$500.00
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COMMON COUNCIL  
City of Amsterdam, NY

	Aye	Nay
Alderman Russo		
Alderman Beekman		
Alderman Barone		
Alderman Hatzenbuehler		
Alderman Leggiero		

\_\_\_\_\_  
ANN M. THANE, MAYOR

Dated: \_\_\_\_\_, 2014

**CITY OF AMSTERDAM, NY  
COMMON COUNCIL  
JUNE 3, 2014**

**RESOLUTION #13/14-278**

**RESOLUTION REQUESTING ENACTMENT OF A SPECIAL LAW TO ALLOW FOR THE CREATION OF THE “AMSTERDAM FIREFIGHTERS BENEVOLENT ASSOCIATION”**

**BY: MAYOR THANE**

**WHEREAS**, the City of Amsterdam Firefighters have petitioned the NYS Legislature for creation of the “Amsterdam Firefighters’ Benevolent Association”, and

**WHEREAS**, both the Senate and Assembly have introduced bills requiring home rule request for said creation of the association,

**RESOLVED**, that the City of Amsterdam requests that special legislation as set forth in *AN ACT in relation to the creation of the “Amsterdam Firefighters’ Benevolent Association”*, Senate Bill number 7327 and Assembly Bill number 9726 be enacted.

COMMON COUNCIL  
City of Amsterdam, NY

	Aye	Nay
Alderman Russo		
Alderman Beekman		
Alderman Barone		
Alderman Hatzenbuehler		
Alderman Leggiero		

\_\_\_\_\_  
ANN M. THANE, MAYOR

Dated: \_\_\_\_\_, 2014



**CITY OF AMSTERDAM, NY  
COMMON COUNCIL  
JUNE 3, 2014**

**RESOLUTION #13/14-279**

**RESOLUTION APPROVING SALE OF PROPERTY – 72-74 UNION STREET**

**BY: ALDERMAN LEGGIERO**

**WHEREAS**, the City of Amsterdam is in possession of surplus real property at 72-74 Union Street (vacant lot as a result of demolition of a house) designated by tax map # SBL 39.82-2-3 and

**WHEREAS**, an application by Patricia D. Landwehr has been reviewed by the Property Disposition Committee and recommended for sale,

**RESOLVED**, the Mayor is authorized to execute a deed transferring said property at 72-7 Union Street to Patricia D. Landwehr for consideration in the amount of \$25.00 plus all recording fees.

COMMON COUNCIL  
City of Amsterdam, NY

	<u>Aye</u>	<u>Nay</u>
<u>Alderman Russo</u>		
<u>Alderman Beekman</u>		
<u>Alderman Barone</u>		
<u>Alderman Hatzenbuehler</u>		
<u>Alderman Leggiero</u>		

\_\_\_\_\_  
ANN M. THANE, MAYOR

Dated: \_\_\_\_\_, 2014

9726

IN ASSEMBLY

May 20, 2014

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**Introduced by M. of A. SANTABARBARA-- read once and referred to the Committee on Local Governments**

**AN ACT in relation to the creation of the "Amsterdam Firefighters' Benevolent Association"**

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

**Section 1. Incorporation; membership.** A not-for-profit corporation by the name of "Amsterdam Firefighters' Benevolent Association", hereinafter referred to as the "association", is hereby created. It shall be composed of such members eligible for membership therein as hereinafter provided as shall: (a) notify the secretary of the Amsterdam Professional Firefighters Union in writing prior to the organization meeting hereinafter provided for the corporation created by this act of their desire to become members; or (b) attend such meeting or an adjournment thereof, and also such persons eligible as may thereafter become members of such corporation pursuant to its by-laws.

**Section 2. Persons eligible for membership.** All persons who are now or hereafter shall be employed as professional firefighters in the fire department of the city of Amsterdam, county of Montgomery shall be eligible for membership in the corporation created by this act except that any firefighter who has been removed for cause from the fire department and who has not been reinstated therein shall not be eligible for membership in such corporation. The membership of any person in such corporation shall terminate when his membership in the city of Amsterdam fire department terminates.

**Section 3. Purposes.** The association shall have as its purposes the promotion of a friendly association for the betterment of its members and their relations with the community, for promotion of fraternal intercourse among its members, to study and disseminate among its members the most efficient manner of fighting fires and the relief, aid and assistance of its members and their families who are disabled or indigent, and for the promotion of the welfare of the fire service, and for any of the foregoing purposes shall have the power to purchase, take and hold, transfer and convey real and personal property.

**Section 4. Powers and duties.** Such corporation shall have all the powers of a not-for-profit corporation, and the provisions of law relating to not-for-profit corporations shall apply to such corporation except where they conflict with the provisions of this act. However, unless the written approval of the state board of social services shall have first been obtained this corporation shall not establish and maintain any home or institution which, if separately incorporated, would require the approval of such board.

**Section 5. Organization meeting; by-laws.** The secretary of the Amsterdam Professional Firefighters' Union shall call a meeting for the organization of such corporation to be held not later than three months after the effective date of this act, notice of which shall be given by him by posting or causing to be posted a notice thereof in five conspicuous places within the territory protected by the city of Amsterdam fire department and also by publication of notice thereof in one or more newspapers having a general circulation within such territory, and such posting and publication shall be effected at least ten days prior to the date of such meeting. At such meeting or any adjournment thereof the members of such corporation present shall adopt by-laws and elect officers and trustees to serve until the first annual meeting which shall be held on a date to be fixed by the by-laws. Any member failing to comply with the by-laws, rules or regulations duly adopted by such corporation shall be subject to suspension and expulsion in such manner as may be provided for in such by-laws. Any member who ceases to be such, voluntarily or otherwise, shall forfeit all interest in the property of such corporation.

**Section 6. Control and disposal of funds and property.** The control and disposal of the funds of property of such corporation, the exercise of its powers, and the management and control of its affairs shall be vested in and exercised by a board of trustees which shall consist of seven members of such corporation, viz: the president, the vice-president, the secretary, the treasurer and three other members having the title of trustee. Such officer and trustees shall be elected at the annual meeting of such corporation in the manner prescribed by its by-laws.

**Section 7. Precept for payment of foreign fire insurance premium taxes.** Such corporation shall collect and there shall be paid to it all taxes imposed by section 9104 of the insurance law for fire department use and benefit, upon premiums for insurance against loss or damage by fire covering property situated in the city of Amsterdam, county of Montgomery. The officer of such corporation designated by its by-laws to collect and receive the aforesaid tax shall have all the powers and be subject to all the provisions of the insurance law, relating to treasures of fire departments. Such corporation shall also be entitled to received a share of the tax imposed by section 9105 of the insurance law, based upon the business written in the territory with respect to which it is entitled to collect and receive the tax under section 9104 of the insurance law. Such taxes shall only be used for the use and benefit of the fire department.

**Section 8.** The city of Amsterdam shall pay over to the association any foreign fire insurance monies in its custody. These monies will be used for the purposes set forth in section three of this act.

**Section 9.** This act shall take effect January 1, 2015.